IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 1818 of 2007(N)

PETITIONER:

M/S. FICUS POLYMERS LTD.,
VEDAGIRI, KURUMULLUR P.O., KOTTAYAM-32,
REP. BY ITS MANAGING DIRECTOR, TOMY THOMAS,
S/O. THOMAS, AGED 27, VEDAGIRI, KURUMULLUR P.O.,
KOTTAYAM.

BY ADV. SRI.JOHNSON MANAYANI
SRI.BENHUR JOSEPH MANAYANI

RESPONDENTS:

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1. THE EMPLOYEES STATE INSURANCE CORPN.,
REP. BY ITS MANAGING DIRECTOR,
PANCHADEEP BHAVAN NORTH SWARAJ ROUND,
P.O.BOX NO.2, TRICHUR-20.

2. THE BRANCH MANAGER,
BRANCH OFFICE, E.S.I. CORPORATION,
ETTUMANOOR.

3. THE REGIONAL DIRECTOR,
E.S.I. CORPORATION, PANCHADEEP BHAVAN,
NORTH SWARAJ ROUND, P.O.BOX NO.2, TRICHUR-20.

BY STANDING COUNSEL SRI.P.SANKARANKUTTY NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.1818 OF 2007

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Dated this the 22nd day of January 2007

JUDGMENT

Petitioner is challenging criminal prosecution launched for non payment of ESI contribution. Standing Counsel submitted that petitioner can apply for amnesty scheme and get the benefit and if petitioner wants to contest it, petitioner can approach the ESI court by filing appeal. In any case, since petitioner has statutory remedy before the ESI court, writ petition is disposed of directing petitioner to deposit the amount under protest within six weeks from now and if payment is made, then there will be a direction to criminal court to withhold the prosecution proceedings till disposal of proceedings before the ESI court. Thereafter petitioner will file in the Magistrate's Court a copy of petition filed in the ESI court along with copy of receipt after making payment under protest as above. ESI court is directed to dispose of the case within three months from filing the petition.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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